

Application No.: 09/888,286  
Amendment dated: February 21, 2005  
Reply to Office Action of: September 21, 2004

### **REMARKS**

This amendment is responsive to the Office Action dated September 21, 2004.

The claims herein remain 24-49, all of which stand rejected under 35 U.S.C. §103 (a), all have been effectively amended hereby.

As a result of previous exchanges, an issue has apparently been drawn with regard to the significance of the *Gulack* case (*In re Gulack*, 703 F.2d 1381, 217 USPQ 401 (Fed. Cir. 1983)). That is, Applicant challenges the legal authority of *Gulack* in relation to the claims herein; however, the authority continues to be relied upon as the basis for rejection under 35 U.S. C. §103.

A matter of primary significance to Applicant's position regarding *Gulack* involves the fact that Applicant's claims involve data which is to be processed by machine. Such a distinction has been set forth in prior amendments. However, in further reviewing the claims, a somewhat cosmetic amendment was conceived which may have been problematic with regard to the issue as understood. Specifically, the claims have now been amended to more explicitly recite the fact of the claims defining data for processing by machine.

In summary, the claims herein have been amended to explicitly recite certain processing operations that are "of said telephone-interface control system". Thus, the processing location is specified. On that basis, reconsideration is respectfully requested with regard to the positions taken in Applicant's preliminary amendment (August 18, 2004). That is, the remarks of the preliminary amendment state Applicant's position in substantial detail including recitations of the authority upon which Applicant relies. Accordingly, Applicant seeks reconsideration of the

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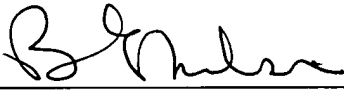
claims as currently presented in view of Applicant's statements of record regarding *Gulack*, the later case, *Lowry* (In re Lowry 32 Fed 3d 1579, 1583, 32 USPQ 2d 1031, 1034 (Fed. Cir. 1994)).

Respectfully, Applicant urges the Examiner to reconsider the rejections in view of the above arguments.

Favorable consideration and allowance of the claims pending here is respectfully requested.

Respectfully submitted,

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